

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

GREGORY MILLER,

V.

## CITY OF TUMWATER,

**Plaintiff,**

## Defendants.

No. 3:22-CV-5906-DGE

**ORDER ADOPTING REPORT AND  
RECOMMENDATION FOR  
DISMISSAL (DKT. NO. 5.)**

The Court, having reviewed the Report and Recommendation of Magistrate Judge David W. Christel, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation (Dkt. No. 5).
  - (2) The Application to Proceed IFP (Dkt. 3) is denied and this case is dismissed without prejudice.
  - (3) The Clerk is directed to send copies of this Order to Plaintiff and to the Hon. David W. Christel.

Dated this 23rd day of February, 2023.

*[Signature]*

David G. Estudillo  
United States District Judge